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Response under 37 CFR §1.116

Expedited Procedure – Examining Group 1651

THE UNITED STATES PATENT AND TRADEMARK OFFICE

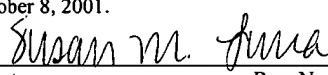
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10/13/01

Application of

Applicants : Sunvold et al.
Serial No. : 09/609,622
Filed : July 5, 2000
Title : NUTRITIONAL COMPOSITION FOR WEIGHT MANAGEMENT
Docket : IAM 0602 PA
Examiner : S. Coe
Art Unit : 1651

Assistant Commissioner for Patents
Washington, DC 20231
BOX AF

Sir:

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on October 8, 2001.	
	
Agent	Reg. No. 38,76

REQUEST FOR RECONSIDERATION

This paper is being filed in response to the Office Action mailed July 11, 2001.

Reconsideration and reexamination are respectfully requested in view of the remarks below.

REMARKS

Claims 1 and 8 stand rejected under 35 USC §102 (b) as being anticipated by Behr et al. While applicants previously pointed out that Behr's composition would not inherently promote weight loss as it does not specifically teach the claimed composition and it has a high calorie content, the Examiner has maintained that Behr's composition is identical to the claimed composition and would inherently function in the same manner.

However, a rejection based on anticipation requires that the cited reference must teach **every** element of the claim. See MPEP 2131. ["A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently